

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GREENWICH INDUSTRIES, L.P., a Delaware limited partnership,)	
)	
Plaintiff,)	Case No. 07 C 6550
)	
v.)	Judge John F. Grady
)	
)	Magistrate Judge Geraldine S. Brown
LEGGETT & PLATT, INCORPORATED, a Missouri corporation,)	
)	
Defendant.)	JURY TRIAL DEMANDED

RULE 26(f) JOINT REPORT AND DISCOVERY PLAN

Plaintiff, Greenwich Industries, L.P. ("Greenwich"), and Leggett & Platt, Incorporated ("L&P"), by their respective counsel, submit the following as their Federal Rule of Civil Procedure 26(f) Joint Report and Discovery Plan.

Summary of Action

This action arises from the sale by L&P of certain foam products to Greenwich. Greenwich alleges breach of contract, breach of implied warranty of merchantability and breach of implied warranty of fitness for a particular purpose. Greenwich alleges that the foam sold by L&P was used in certain chairs sold by Greenwich and that these chairs had to be repaired or replaced with damages allegedly in excess of \$400,000. L&P denies that there was any problem with the foam which it supplied, that Greenwich is a sophisticated user which did not rely upon L&P to choose a suitable product, that the foam was used in other seating applications without any complaints, and that L&P has no liability for any choice which Greenwich made to repair or replace certain chairs.

Exploration of Prompt Resolution

The parties have conferred pursuant to Rule 26(f). The parties have discussed the

possibility of a prompt resolution and are continuing to explore that alternative.

Subjects of Discovery

The parties have discussed that discovery will be necessary on at least the following issues:

1. The terms and conditions of any contract(s) entered into between Greenwich and L&P with respect to the foam products at issue;
2. Communications and representations regarding the foam to be purchased and the testing related to such foam by either party;
3. Use by Greenwich of the foam purchased from L&P and whether any customer responses/issues/problems existed with chair products utilizing such foam;
4. The specifications related to the foam and the Greenwich chair products at issue;
5. The sophistication and expertise of the parties with respect to choice of foam for seating products;
6. Issues arising with respect to chairs sold by Greenwich to the Church of Latter Day Saints ("Church") and the basis for claims by the Church against Greenwich;
7. The program of repairs/replacement undertaken by Greenwich with respect to the chairs sold to the church; and
8. The cost of the repair/replacement of the chairs sold to the Church and efforts by Greenwich to mitigate any damages.

Anticipated Depositions

Although neither side can compile an exhaustive list without reviewing the documents to be produced in this action and other possible deponents may be identified through upcoming depositions, the parties at this point anticipate that one or the other party will seek depositions of at least the following fact witnesses:

1. Cherie Pollard
2. Roger Schoenfeld
3. Tom Woodbury
4. John Altmeyer

5. Joe Progar
6. Greenwich salesperson with responsibility for the Church as a customer
7. Representative from Church with respect to Greenwich chair products and dealings with Greenwich;
8. Other representative customers of Greenwich purchasing products using L&P foam.

Proposed Discovery Schedule

In light of the issues and discovery set forth above, the parties propose the following discovery schedule. The parties already have attempted to exchange copies of all documents material to the disputed issues pursuant to this Court's order of March 4, 2008. L&P has since sold all of the assets related to the division which sold the foam products, including the related records, but will attempt to work cooperatively with Greenwich to secure such records and deposition access to relevant personnel. In light of the issues and discovery set forth above, the parties propose the following discovery plan:

April 14, 2008	Rule 26(a)(1) disclosures to be made;
April 21, 2008	Initial written discovery to be issued;
June 30, 2008	All additional parties to be joined and pleadings to be amended;
November 30, 2008	Fact depositions and written discovery to be completed;
December 15, 2008	Rule 26(a)(2) expert disclosures and reports to be exchanged;
January 15, 2009	Expert depositions to be completed;
January 22, 2009	Rebuttal expert disclosures and reports to be submitted pursuant to Rule 26(a)(2);
February 7, 2009	Depositions of rebuttal experts to be completed

Electronic Discovery

The parties agree that, to the extent the other party requests documents or information that could be maintained in electronic form, e.g., communications in the form of e-mail, the responding party will search and produce a copy of such requested items in the manner in which it is stored or in the most cost-effective format. It will be acceptable to produce such documents in hard paper copy form provided the party has made a good faith search of reasonably accessible electronic documents.

Motion Schedule

The parties propose that the last date to file a dispositive motion be February 15, 2009, the last day to oppose a dispositive motion be March 8, 2009 and the last day to reply to a dispositive motion be March 22, 2009.

Pursuant to Federal Rule of Civil Procedure 26(f), the parties hereby submit this Joint Report.

Greenwich Industries Inc.

By: /s/ Robert F. Rabin
Robert F. Rabin

Leggett & Platt, Incorporated

By: /s/ Matthew J. Gehringer
Matthew J. Gehringer

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 19th day of March, 2008, a copy of the foregoing **Rule 26(f) Joint Report and Discovery Plan** was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system:

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